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8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA – DIVISION 4
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11 In Re: Case No.: 14-43945-CN
12 SHIA-LING JENG LEU, Chapter 7
13 Debtors. DEBTOR'S MOTION TO VOID LIEN
14 IMPAIRING EXEMPTION PURSUANT TO
11 U.S.C. §522(f)
15
16 Judge: Hon. Charles Novack

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18 To the United States Bankruptcy Court, the Honorable Charles Novack, the
19 United States Trustee, the Chapter 7 Trustee, American Express Centurion Bank, Bleier
20 & Cox, Bob Han, an individual, David Jeng, an individual, CACV of Colorado, LLC,
21 Capital One, NA, Discover Bank, GDE-Labank Village, LLC, Great Western Collection
22 Bureau, Hseuh-Kuan Lu, LVNV Funding, LLC, Midland Credit Management, Inc.,
23 Mortgage Service Center, Sheer Investment Company, WAMO, Wells Fargo Home
24 Mortgage, all creditors, and all other parties in interest:

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26 Debtor hereby moves this court for an Order voiding the lien of American Express
27 Centurion Bank, (hereinafter “AMEX”) on the grounds it impairs an exemption to which the
28 debtor is entitled.

DEBTOR'S MOTION TO VOID LIEN IMPAIRING EXEMPTION PURSUANT TO 11 U.S.C. §522(f) -1-

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1 At the commencement of the case, debtor Shia-Ling Jeng Leu (hereinafter "Debtor")
2 owned the real property commonly known as 960 Springview Circle, San Ramon, California
3 94583; APN: 413-460-035-8 (hereinafter "Property") and more fully described in **Exhibit A**
4 attached to the Declaration of Shia-Ling Jeng Leu filed concurrently herewith.

5 AMEX has a judgment lien in the principal amount of \$13,271.48 which was perfected
6 by the recordation of a judgment lien in the County of Contra Costa, State of California where
7 the Property is located. Said recordation was filed on January 22, 2008, as document number
8 2008-13041 (hereinafter "Lien").

9 The property had a fair market value of \$791,433.00 as of the commencement of the
10 instant action. The Debtors claimed an exemption in the amount of \$100,000.00 in the
11 Property under California Code of Civil Procedure §704.730.

12 At the enactment of the instant case, the Property was encumbered with the following
13 liens in order of the recordation:

a. Value of Property:	\$791,433.00
b. Mortgage Service Center:	<u>\$119,201.00</u>
	\$672,232.00
c. Wells Fargo Home Mortgage:	<u>\$101,097.00</u>
	\$571,135.00
d. GDE-Labank Village, LLC:	<u>\$ 25,065.53</u>
	\$546,069.47
e. WAMCO:	<u>\$ 20,770.76</u>
	\$525,298.71
f. Great Western Collection Bureau:	<u>\$ 6,269.63</u>
	\$519,029.08
g. Discover Bank:	<u>\$ 12,297.20</u>
	\$506,749.88
h. Hseuh-Kuan Lu:	<u>\$350,000.00</u>
	\$156,749.88

1	i. David Jang:	<u>\$170,000.00</u>
2		(\$ 13,250.00)
3	j. Bob Han:	<u>\$100,000.00</u>
4		(\$113,250.12)
5	k. Sheer Investment Company:	<u>\$ 7,132.67</u>
6		(\$120,382.79)
7	l. Midland Credit Management, Inc.:	<u>\$ 21,774.32</u>
8		(\$142,157.11)
9	m. LVNV Funding, LLC:	<u>\$ 17,225.40</u>
10		(\$159,382.51)
11	n. CACV of Colorado, LLC:	<u>\$ 7,191.68</u>
12		(\$166,574.19)
13	o. American Express Centurion Bank (subject lien):	<u>\$ 13,271.48</u>
14		(\$179,845.67)
15	p. Capital One, NA	<u>\$ 9,216.28</u>
16		(\$189,061.95)

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18 11 U.S.C. §522(f) provides that the debtor may void a lien which impair an exemption
19 to which they are otherwise entitled. The Lien impairs the allowed exemption of \$100,000.00
20 which exceeds the value of the Property.

21 **WHEREFORE**, the Debtor prays for an Order that the court determine that the Lien of
22 AMEX impairs an exemption to which the Debtor is entitled and that the Lien be declared to
23 be null and void as to the Property.

24 **SAGARIA LAW, P.C.**

25 Dated: January 5, 2015

26 By: /s/ Elliot Gale, Esq.
27 Elliot Gale, Esq.
28 Attorney for Debtor